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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,280	08/09/2000	RAINER H. WISCHINSKI	SAA-34-2	4936
23569	7590	10/20/2005	EXAMINER	
SQUARE D COMPANY INTELLECTUAL PROPERTY DEPARTMENT 1415 SOUTH ROSELLE ROAD PALATINE, IL 60067			LAZARO, DAVID R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/635,280

Applicant(s)

WISCHINSKI, RAINER H.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-21 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in response to the amendment filed 07/21/05.
2. Claims 1, 2, 12-17, 21 and 23 were amended.
3. Claims 18 and 22 are canceled.
4. Claims 1-17, 19-21 and 23 are pending in this office action.

***Response to Amendment***

5. Applicant's arguments filed 07/21/05 have been fully considered but they are not persuasive. See 'Response to Arguments'. The grounds of rejection as set forth in the previous office action (05/03/2005) are respectfully maintained.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4-9, 11-13, 15, 17, 19-21 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,909,368 by Nixon et al. (Nixon) in view of U.S. Patent 5,878,257 by Nookala et al. (Nookala).
8. With respect to Claim 1, Nixon teaches Nixon teaches A control system (Col. 2 lines 8-10 and Col. 6 lines 45-58), comprising:  
  
an automation device operably connected to a network (Col. 7 lines 18-45);

a network device operably connected to the network (Col. 7 lines 5-17); and, a plurality of customized (Col. 5 lines 17-31, Col. 23 lines 46-55 - customized based on constraints and desired application -as in implementation) application programs for the automation device (Col. 20 lines 37-52 - the examiner interprets the plurality of portions, for example function blocks and/or control modules, that make up an overall control strategy, to be a plurality of customized application programs) stored in the network device (Col. 7 lines 8-17 and Col. 28 lines 1-8 and 40-42 and Fig. 17 'Work station' - customized programs are created and stored on a workstation which also functions as the boot server), wherein one customized application program of the plurality of customized application programs controls the automation device (Col. 7 lines 18-25 and Col. 20 lines 37-52 -an automation device will receive a specific portion which is performed to implement an overall control strategy), is selected by the network device in response to a message received at the network device (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628 - it is inherent that a selection of programming is made and is furthermore responsive to the message if step 1624 from the controller/multiplexer) and sent from the automation device (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628), as part of a bootstrap protocol (Col. 27 line 66 - Col. 8 line 4 and Fig. 17), and wherein the customized application program is downloaded to the automation device at a boot time of the automation device (Col. 28 lines 35-43 and Col. 27 line 66 - Col. 8 line 24).

Nixon does not explicitly disclose the message being a specific application program request message for the one customized application program. In a system for

dynamically programming a programmable memory as part of a boot protocol, Nookala teaches an application program request message can be sent from the device requiring the programming. The data source with the application program can transmit the programming in response to the specific application program request message for the application program (Col. 2 line 66- Col. 3 line 3 and Col. 3 lines 43-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Nixon and modify it as indicated by Nookala such that the system further comprises a specific application program request message for the one customized application program received at the network device and sent from the automation device. One would be motivated to have this, as there is need for programming a programmable memory from a remote location (Col. 2 lines 1-3 of Nookala).

9. With respect to Claim 2, Nixon in view of Nookala teaches all the limitations of Claim 1 and further teaches the one customized application program comprises an executive code and a user code (Col. 23 lines 5-17 and lines 34-43 and Col. 24 lines 4-26 of Nixon).

10. With respect to Claim 4, Nixon in view of Nookala teaches all the limitations of Claim 1 and further teaches the automation device is a programmable logic controller (Col. 7 lines 5-24 of Nixon).

11. With respect to Claim 5, Nixon in view of Nookala teaches all the limitations of Claim 1 and further teaches the network device is a server (Col. 7 lines 5-17 of Nixon).

12. With respect to Claim 6, Nixon in view of Nookala teaches all the limitations of Claim 5 and further teaches the server has a TCP/IP protocol stack (Col. 17 lines 15-21 and Col. 18 lines 30-40 of Nixon).

13. With respect to Claim 7, Nixon in view of Nookala teaches all the limitations of Claim 1 and further teaches the network is Internet (Col. 3 lines 15-21 of Nookala)

14. With respect to Claim 8, Nixon in view of Nookala teaches all the limitations of Claim 1 and further teaches the network is Ethernet (Col. 6 lines 45-57 of Nixon).

15. With respect to Claim 9, Nixon in view of Nookala teaches all the limitations of Claim 1 and further teaches the network is Profibus (Col. 7 lines 25-34 of Nixon).

16. With respect to Claim 11, Nixon in view of Nookala teaches all the limitations of Claim 1 and further teaches the network is Modbus+ (Col. 16 lines 39-48 of Nixon).

17. With respect to Claim 12, Nixon teaches a method of operating a control system on a network (Col. 2 lines 8-10 and Col. 6 lines 45-58) comprising the steps of:

providing a network device for storing (Col. 7 lines 8-17 and Col. 28 lines 1-8 and 40-42 and Fig. 17 'Work station' - customized programs are created and stored on a workstation which also functions as the boot server) a plurality of customized (Col. 5 lines 17-31, Col. 23 lines 46-55 - customized based on constraints and desired application -as in implementation) application programs to be executed on an automation device (Col. 20 lines 37-52 - the examiner interprets the plurality of portions, for example function blocks and/or control modules, that make up an overall control strategy, to be a plurality of customized application programs);

transmitting a message for requesting a network address for the automation device by the automation device (Col. 28 lines 15-24);

transmitting a message by the automation device (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628) as part of a bootstrap protocol (Col. 27 line 66 - Col. 8 line 4);

selecting one customized application program of the plurality of customized application programs in response to the message (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628 - it is inherent that a selection of programming is made and is furthermore responsive to the message if step 1624 from the controller/multiplexer);

transmitting the one customized application program to the automation device (Col. 28 lines 35-43 and See Fig. 17 steps 1624-1628); and

installing the one customized application program on the automation device (Col. 28 lines 35-43 and See Fig. 17 steps 1624-1628) at a boot time of the automation device (Col. 27 line 66 - Col. 8 line 4).

Nixon does not explicitly disclose the message being transmitted for requesting the one customized application program of the plurality of customized application programs. In a system for dynamically programming a programmable memory as part of a boot protocol, Nookala teaches an application program request message can be sent from the device requiring the programming. (Col. 7 lines 18-25 and Col. 20 lines 37-52 -an automation device will receive a specific portion which is performed to implement an overall control strategy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Nixon and modify it as indicated by

Nookala such that the system further comprises transmitting a message by the automation device for requesting one customized application program of the plurality of customized application programs for the automation device as part of a bootstrap protocol; selecting the one customized application program in response to the message for requesting customized application program of the plurality of customized application programs. One would be motivated to have this, as there is need for programming a programmable memory from a remote location (Col. 2 lines 1-3 of Nookala).

18. With respect to Claim 13, Nixon in view of Nookala teaches all the limitations of Claim 12 and further teaches the step of executing the customized one application program on the automation device (Col. 7 lines 18-24 of Nixon).

19. With respect to Claim 15, Nixon in view of Nookala teaches all the limitations of Claim 12 and further teaches wherein the specific customized application program further comprises: an executive program code for the automation device (Col. 23 lines 5-17 and lines 34-45 and Col. 24 lines 4-26 of Nixon); and, a user program code for the automation device (Col. 23 lines 5-17 and lines 34-45 and Col. 24 lines 4-26 of Nixon), the user program is selected in response to the message requesting one customized application program of the plurality of customized application programs (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628 of Nixon).

20. With respect to Claim 17, Nixon teaches a network control system (Col. 2 lines 8-10 and Col. 6 lines 45-58), comprising:

means for operably connecting a network device to the network control system (Col. 7 lines 8-17), the network device stores a plurality of customized (Col. 5 lines 17-



31, Col. 23 lines 46-55 - customized based on constraints and desired application -as in implementation) application program for controlling an automation device (Col. 20 lines 37-52 - the examiner interprets the plurality of portions, for example function blocks and/or control modules, that make up an overall control strategy, to be a plurality of customized application programs);

means for transmitting a message requesting a network address by the automation device (Col. 28 lines 15-24);

means for transmitting a message by the automation device(Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628) as part of a bootstrap protocol (Col. 27 line 66 - Col. 8 line 4);

means for selecting one customized application program of the plurality of customized application programs in response to the message (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628 - it is inherent that a selection of programming is made and is furthermore responsive to the message if step 1624 from the controller/multiplexer);

means for transmitting the one customized application program to the automation device; and,

means for installing the one customized application program (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628) at a boot time of the automation device (Col. 27 line 66 - Col. 8 line 4).

Nixon does not explicitly disclose the message being transmitted for requesting the one customized application program of the plurality of customized application

programs. In a system for dynamically programming a programmable memory as part of a boot protocol, Nookala teaches an application program request message can be sent from the device requiring the programming. The data source with the application program can transmit the programming in response to the specific application program request message for the application program (Col. 2 line 66- Col. 3 line 3 and Col. 3 lines 43-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Nixon and modify it as indicated by Nookala such that the system further comprises means for transmitting a message by the automation device for requesting one customized application program of the plurality of customized application programs for the automation device as part of a bootstrap protocol; means for selecting the one customized application program in response to the message requesting the one customized application program. One would be motivated to have this, as there is need for programming a programmable memory from a remote location (Col. 2 lines 1-3 of Nookala).

21. With respect to Claim 19, Nixon in view of Nookala teaches all the limitations of Claim 17 and further teaches the automation device is a controller (Col. 7 lines 5-24 of Nixon).

22. With respect to Claim 20, Nixon in view of Nookala teaches all the limitations of Claim 17 and further teaches the network device is a server (Col. 7 lines 5-17 of Nixon).

23. With respect to Claim 21, Nixon teaches a method of operating a control system on a network (Col. 2 lines 8-10 and Col. 6 lines 45-58) comprising the steps of:

providing a network device for storing (Col. 7 lines 8-17 and Col. 28 lines 1-8 and 40-42 and Fig. 17 'Work station' - customized programs are created and stored on a workstation which also functions as the boot server) a plurality of customized (Col. 5 lines 17-31, Col. 23 lines 46-55 - customized based on constraints and desired application -as in implementation) application programs to be executed on an automation device (Col. 20 lines 37-52 - the examiner interprets the plurality of portions, for example function blocks and/or control modules, that make up an overall control strategy, to be a plurality of customized application programs);

requesting a network address for the automation device by the automation device (Col. 28 lines 15-24);

requesting the customized application program of the plurality of customized application programs (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628) as part of a bootstrap protocol (Col. 27 line 66 - Col. 8 line 4);

selecting the one customized application program (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628 - it is inherent that a selection of programming is made and is furthermore responsive to the message if step 1624 from the controller/multiplexer);

transmitting the one customized application program to the automation device (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628); and,

installing the one customized application program on the automation device (Col. 28 lines 31-43 and See Fig. 17 steps 1624-1628) at a time of the automation device (Col. 27 line 66 - Col. 8 line 4).

Nixon does not explicitly disclose the requesting of the one customized application program is specifically by the automation device. In a system for dynamically programming a programmable memory as part of a boot protocol, Nookala teaches an application program request message can be sent from the device requiring the programming. The data source with the application program can transmit the programming in response to the specific application program request message for the application program (Col. 2 line 66- Col. 3 line 3 and Col. 3 lines 43-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Nixon and modify it as indicated by Nookala such that the system further comprises requesting the one customized application program of the plurality of customized application programs by the automation device as part of the bootstrap protocol. One would be motivated to have this, as there is need for programming a programmable memory from a remote location (Col. 2 lines 1-3 of Nookala).

24. With respect to Claim 23, Nixon in view of Nookala teaches all the limitations of Claim 21 and further teaches selecting a user code for the one customized application program (Col. 23 lines 5-17 and lines 34-45 and Col. 24 lines 4-26 of Nixon); and selecting an executive code for the one customized application program (Col. 23 lines 5-17 and lines 34-45 and Col. 24 lines 4-26 of Nixon).

25. Claims 3, 14 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon and Nookala as applied to claims 2, 12 and 15 above, and further in view of "A

Customizable Library to support Software Synthesis for Embedded Applications and Micro-Kernel Systems” by Ditze (Ditze).

26. With respect to Claim 3, Nixon in view of Nookala teaches all the limitations of Claim 2 but does not explicitly disclose the executive code is selected in response to the user code selected. Ditze teaches the executive code can be selected based on the user code (Page 90, section 3.2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Nixon in view of Nookala and modify it as indicated by Ditze such that the system further comprises the executive code is selected in response to the user code selected. One would be motivated to have to this as it would optimize the application program by helping to eliminate run-time and memory overhead (Page 90, section 3.2 first paragraph of Ditze).

27. With respect to Claim 14, Nixon in view of Nookala teaches all the limitations of Claim 12 and further teaches the step of selecting the one customized application program in response to the request for the one customized application program of the plurality of customized application programs comprises the steps of: identifying the message for requesting one customized application program of the plurality of customized application programs (Col. 28 lines 31-44 and See Fig. 17 steps 1624-1628); and selecting a user application program in response to the message requesting one customized application program of the plurality of customized application programs (Col. 28 lines 31-44 and See Fig. 17 steps 1624-1628), but does not explicitly disclose selecting an executive program in response to the user application program selected.

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Ditze teaches the executive code can be selected based on the user code (Page 90, section 3.2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Nixon in view of Nookala and modify it as indicated by Ditze such that the method further comprises selecting an executive program in response to the user application program selected. One would be motivated to have to this as it would optimize the application program by helping to eliminate run-time and memory overhead (Page 90, section 3.2 first paragraph of Ditze).

28. With respect to Claim 16, Nixon in view of Nookala teaches all the limitations of Claim 15 but does not teach the executive code is customized in response to the message to meet the minimum requirements for executing the one customized application program. Ditze teaches the executive program code is customized to meet the minimum requirements for executing the application program (Page 90, section 3.2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Nixon in view of Nookala and modify it as indicated by Ditze such that the executive program code is customized in response to the message to meet the minimum requirements for executing the one customized application program. One would be motivated to have to this as it would optimize the application program by helping to eliminate run-time and memory overhead (Page 90, section 3.2 first paragraph of Ditze).

29. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Nookala and in further view of U.S. Patent 6,788,980 by Johnson (Johnson).

30. With respect to Claim 10, Nixon in view of Nookala teaches all the limitations of Claim 1. Nixon in view of Nookala teaches that any network can be used in relation to the field devices (Col. 6 lines 45-49 of Nookala) but does not explicitly disclose the network using ControlNet. However, Johnson teaches that ControlNet is a well known protocol in relation to field devices (Col. 2 lines 15-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify system as disclosed by Nixon in view of Nookala such that the network is ControlNet. ControlNet offers multiple controllers controlling I/O on the same link. One would be motivated to have this since ControlNet is a well known protocol typically used in a field device environment (Col. 2 lines 15-27 of Johnson).

### ***Response to Arguments***

31. Applicant's arguments filed 07/21/05 have been fully considered but they are not persuasive.

32. Applicant argues on pages 6-7 of the remarks - *"In contrast to the method of claim 1, in Nixon, "a user selects the program to be downloaded"...That is, unlike the method of claim 1, the application program of Nixon is not selected by the automation device's application program request message. As set forth above, Nixon fails to disclose the limitations of Claim 1, Nookala does not cure these failures. According to the Office Action of May 3, 2005, Nookala discloses a program request message can be sent from the device requiring the programming, Nookala does not disclose selection of*

*one of a plurality of programs by an automation device. Accordingly, for the reasons given above, Applicant respectfully submits claim 1 is patentable over Nixon in view of Nookala."*

a. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

b. Furthermore, the examiner notes the claimed subject matter does indicate selection of the application program by the automation device's application program request message, or a selection of one of a plurality of programs by an automation device as argued by applicant. The claim language of claim 1 states '*wherein one customized application program of the plurality of customized application programs...**is selected by the network device in response to a specific application program request message for the one customized application program***' (emphasis added). The network device is responsible for the selection of the application program, and this selection is merely responsive to a specific application program request message sent from the automation device.

c. The rejection has been clarified in light of the amendments to show that Nixon also teaches a plurality of customized application programs (Col. 20 lines 37-52 - the examiner interprets the plurality of portions, for example function blocks and/or control modules, that make up an overall control strategy, to be a plurality of customized application programs). In Nixon, col. 28, lines 31-43,



some form of selection of an application program is inherent and occurs through the network device, otherwise the application program could not be downloaded to the controller (automation device). This selection and downloading of programming is responsive to a message sent from the automation device to the network device (Fig. 17, step 1624-1628). As stated in the rejection, Nixon does not explicitly disclose the message being a specific application program request message for the one customized application program. In interpreting "*a specific application program request message for the one customized application program*", the examiner gives a broadest reasonable interpretation as dictated by MPEP 2111. The claim limitations do not define any particularly structure for the request message or any particular information contained within the request message. Only an intended purpose is claimed, i.e. "for the one customized application program". Therefore, the examiner considers the application program request message of Nookala that is obviously for requesting an application program, to be within the scope of "a specific application program request message". As such, the claimed subject matter is obvious when considering the combined teachings of Nixon and Nookala as a whole.

33. Additionally, applicant repeatedly argues that the examiner has "failed to show an incentive or motivation in the prior art to make the proposed combination". In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In establishing a proper prima facie case of obviousness, a motivation is explicitly provided by the examiner for each the rejections made under 35 U.S.C. §103(a) in this and previous office actions. The motivation includes specific citations in relation to the prior art. As such, applicant's arguments are not persuasive.

### ***Conclusion***

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Lazaro  
October 13, 2005

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER